

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Darrell Williams, #219730,

Plaintiff

v.

Cecelia Reynolds, Warden,

Defendant.

C/A No. 2:16-2835-CMC

Opinion and Order

This matter is before the court on Petitioner's *pro se* petition for writ of habeas corpus, filed in this court pursuant to 28 U.S.C. § 2254.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c), DSC, this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation. Respondent filed a motion for summary judgment on January 6, 2017. ECF No. 23. After a *Roseboro* Order was entered, Petitioner filed a response in opposition. ECF No. 27. Respondent filed a reply (ECF No. 28) and Petitioner filed a sur reply (ECF No. 29). On May 24, 2017, the Magistrate Judge issued a Report recommending Respondent's motion for summary judgment be granted. ECF No. 9. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if they failed to do so. Petitioner has not filed objections to the Report, and the time for doing so has passed.¹

¹ Petitioner's deadline for objections was extended after an appeal to this court of the Magistrate Judge's order denying Petitioner's motion for discovery. That decision was affirmed by order on June 14, 2017. ECF No. 40. In that order, the court extended Petitioner's time to respond to the Footnote Continued . . .

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the entire record, the applicable law, and the Report of the Magistrate Judge, the court finds no clear error. Accordingly, the Report of the Magistrate Judge is adopted and incorporate by reference. Respondent's motion for summary judgment is granted, and this matter is dismissed with prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
July 12, 2017

Report until 14 days following entry of the Order. As the Order was entered on June 14, Petitioner had until June 30 to file his objections.